

ORIGINAL

FILED  
U.S. DISTRICT COURT  
DISTRICT OF WYOMING

MAR 29 2007

Stephan Harris, Clerk  
Cheyenne Page 2

UNITED STATES DISTRICT COURT  
DISTRICT OF WYOMING

WILLIAM WILLARD HODGES )  
Co.DOC #132576/Wyo.DOC #23606 )

Plaintiff(s), )

vs. Wyoming State departmaent )  
Of Correction/Dir. R. Lampert )  
Wyoming State Penitentiary )  
Wardan Michael Murphy )  
Corp. Prindle W.S.P. Security )  
Sgt. Peach W.S.P. Security )  
Doctor John Coyle M.D. )  
Richard Kinder P.A. )  
Defendant(s).

Case No. 07-CV-70-3

**PRISONER CIVIL RIGHTS COMPLAINT**

Under 42 U.S.C. § 1983

1. **Plaintiff(s)**

- (a) Name: Willam Willard Hodges  
Aliases: Bill Hodges, Buck Hodges  
Prisoner number: Co.DOC. #132576 / Wyo.DOC, #23606  
Place of confinement: Collorado Territorial Correction Facil  
PO. Box 1010 Canon City Co. 81215-1010  
Address: (275 W. Hwy 50 )
- (b) Name: N/A  
Aliases: \_\_\_\_\_  
Prisoner number: N/A  
Place of confinement: \_\_\_\_\_  
Address: \_\_\_\_\_

(If there are more than 2 plaintiffs, list them using this format on a separate sheet of paper.)  
forewarding address: C/O Jeanette Walker, 230 So. 25th ave A/6  
Brighton Co. 80601

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2. Defendant(s)

- (a) Defendant: Wyoming State of Corrections/Dir. R. Lampert  
Title: Director of Corrections  
Place of Employment: Wyoming Department Of Crretions  
Address: 700 W. 21st Street Cheyenne Wyo. 82002  
How defendant is sued (as an individual, official capacity or both): Both  
Was defendant acting under color/authority of law? ☒ Yes ☐ No
- (b) Defendant: Wyoming State Penitentiary/ Warden M. Murphy  
Title: Warden W.S.P.  
Place of Employment: Wyoming State Penitentiary  
Address: Po Box. 400 Rawlins Wyo. 82301-0400  
How defendant is sued (as an individual, official capacity or both): Both  
Was defendant acting under color/authority of law? ☒ Yes ☐ No
- (c) Defendant: Corp. Prindle (first name unknown) (wsp secr.)  
Title: Corp. For W.S.P Security  
Place of Employment: Wyo. State Penitentiary  
Address: Po Box 400 Rawlins Wyo. 82301-0400  
How defendant is sued (as an individual, official capacity or both): Both  
Was defendant acting under color/authority of law? ☒ Yes ☐ No

(If you have more than 3 defendants, list them using this format on a separate sheet of paper.)

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Page 3 (a)

### Defendant(s) Continued

- (d) Defendant: Sgt. peach (first name unknown)  
Title: Sgt.forW.S.P security  
Place of employment: Wyo. state penitntiary  
PO Box 400 Rawlins Wyo. 82301-0400  
How defendant is sued: Both  
Was defendant acting under color/authority? ☒ Yes - ☐ No
- (e) Defendant: Doctor John Coyle M.D.  
Title: Medical Doctor  
Place of employment: Wyo. State Penitentiart  
Address: Po Box 400 Rawiins Wyo. 82301-0400  
How defendant is sued? Both  
Was defendant acting under color/authority law ? ☒ yes ☐ NO
- (f) Defendant: Richard Kinder P.A.  
Title: Physician Assistant  
Place of employment: W.S.P.  
Address: PO Box 400 Rawlins Wvo.82301-0400  
How defendant is sued? Bbth  
Was defendant acting under color/authority of law ☒ yes ☐ No

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3. Statement of Claims

CLAIM ONE:

State here the constitutional right that the defendant(s) violated.

U.S. Constitution Amendment VIII (8). Denied medical & Emq.  
medical treatment

Cruel and unusual punishment, by W.S.P. Employees

Supporting facts:

Carefully tell what the defendant(s) did to violate the constitutional right you listed above. Name each person involved. Describe how the violation happened. Give the places and dates where each event took place. If your facts are not complete and do not show how the defendant(s) violated your rights, your complaint may be dismissed.

Denied medical treatment by Dr. Coyle, R. Kinder, Sgt. Peach & W.S.P  
Security. Warden Murphy, Dir. Lampert. Sent Co. D.O.C. 3days  
after being injured by Corpl. Prindle, with little to no  
medical treatment. Co. D.O.C says that Wyo. D.O.C must take  
of this matter. Plaintiff has not received medical treatment  
for the the injury's received on 08/06/06 at W.S.P. WYOMING

Please see attachments EX 1 thru 11

NOTE: On 02/24/07 due to no proper medical treatment since the  
injury and damage to inplant and lower back, I have been put in  
a wheel chair do to pain & numness to lower back & legs.



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**4. Exhaustion of Administrative Remedies as to Claim One**

You are required to exhaust (use up) all your administrative remedies before bringing this action in federal court.

- (a) Is there a grievance procedure at your institution? ☒ Yes ☐ No
- (b) Have you filed a grievance about the facts in claim one? ☒ Yes ☐ No  
(If you did not file a grievance, skip to d.)

(c) If your answer is YES:

1. Was the grievance: Informal ☐ Formal ☐ Both ☒

2. What was the result? DENIED

3. Did you appeal? ☒ Yes ☐ No

4. If you did appeal, what was the result? DENIED

(d) If your answer is NO, explain why you did not file a grievance: \_\_\_\_\_

**5. Exhaustion of Administrative Remedies as to Claim Two**

N/A (a) Is there a grievance procedure at your institution? N/A ☐ Yes ☐ No

N/A (b) Have you filed a grievance about the facts in claim two? ☐ Yes ☐ No

(If you did not file a grievance, skip to d.)

N/A (c) If your answer is YES:

1. Was the grievance: Informal ☐ Formal ☐ Both ☐

2. What was the result? \_\_\_\_\_

3. Did you appeal? ☐ Yes ☐ No

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4. If you did appeal, what was the result? N/A

(d) If your answer is NO, explain why you did not file a grievance: \_\_\_\_\_

**6. List all lawsuits you have filed in any state or federal court**

(a) Defendants: N/A

Name of Court: \_\_\_\_\_

Result: \_\_\_\_\_

Date of result: \_\_\_\_\_

(b) Defendants: \_\_\_\_\_

Name of Court: \_\_\_\_\_

Result: \_\_\_\_\_

Date of result: \_\_\_\_\_

(If you have filed additional lawsuits, list them using this format on a separate sheet of paper.)

**7. Relief**

State briefly what you want the Court to do for you.

\$500,000.00 for repairs and/or replacement of spinal cord  
stem unit implanted in the plaintiffs back, and Doctors  
bills, Hospital bills, loss of work, plaintiff will lose  
work when he is released 9/07 to get the unit repaired  
Heath care & Pain & suffering

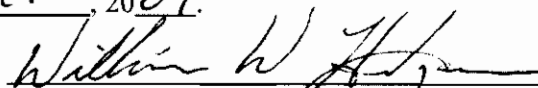
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**Certificate of Truthfulness**

I certify that the facts in this complaint are true to the best of my knowledge, information and belief.  
I understand that if this certification is not correct, I may be sanctioned by the court.

Signed this 28 day of march., 2007.

  
Signature of plaintiff or plaintiffs

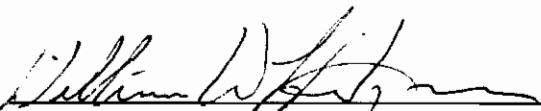
~~William Willard Hodges~~  
Print name of plaintiff or plaintiffs

Co.D.O.C. #132576  
WYO. D.O.C. #23606

**Certification of Mailing**

I declare under penalty of perjury that this Complaint was placed in the institutional mailing system  
or deposited with prison officials on the march 28 2007 (month, day, year).  
I attest that first-class postage has been prepaid.

Executed (signed) on 03/28/07 (date)

  
Signature of plaintiff or plaintiffs  
William Willard Hodges  
Co.D.O.C. #132576  
Wyo.D.O.C. #23606



**ORIGINAL****INFORMAL GRIEVANCE FORM****SECTION 1. (To be completed by inmate grievant)**

I, Hodges, DOC# 23606, A-1-137, request a meeting with an  
 (Grievant's Name) (Housing Unit)

Informal grievance officer to discuss a grievance.

**Brief summary of complaint:**

See Attached  
Sent Doc Lampert  
and warden 8/31/06. sent legal mail  
Murphy. Reg. at DRDC.

**SECTION 2. (To be completed by inmate grievant after meeting with informal grievance officer).****INITIAL APPROPRIATE BLOCKS:**

☐ I confirm that I met with \_\_\_\_\_ on \_\_\_\_/\_\_\_\_/\_\_\_\_ to discuss my grievance.  
 (IGO's Name) (Date)

☐ I feel that my grievance has been satisfactorily resolved.

☒ I feel that my grievance has not been resolved. I understand that I may submit a formal grievance (WSP-259) directly to the CEO in a sealed envelope marked **CONFIDENTIAL**. I also understand that the IGO will submit this form to the CEO.

No Answer.  
 Grievant's Signature

8/31/06  
 Date

**SECTION 3. (To be completed by Informal Grievance Officer)**

I propose the following resolution to the above stated issue: (state briefly, the proposed resolution or, if no resolution is possible at the informal level, state why).

No Answer 8/31/06

**Wyoming State Penitentiary**  
**Inmate Grievance Receipt**

Inmate Hodges

Date: 8/7/06

WDOC# 23606

Filed an X Informal        Formal        Appeal

on the above date.

Its deposit in the institutional mailbox is hereby acknowledged.

Off. [Signature]  
 Signature of Officer

White: Attach to Grievance Yellow: Inmate

**ORIGINAL**

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EX 1

William Hodges, No. 23606

WSP A-1-137

August 7, 2006

## INFORMAL GRIEVANCE ATTACHED PAGE 1.

On August 6, 2006, at approximately 1600 hours, I was returning from the chow hall from insulin call and early chow with inmate Jauriqui No. 21799. We reached A-Unit outer sally port door. Jauriqui pushed the control button and the door opened a few feet and stopped just wide enough for one man to walk through it. Jauriqui walked through the door just enough to get inside and I started in right behind him. As I stepped up and was crossing the threshold of the opening, the door closed on me smashing me between the door and the door jamb. After I got through the door by pushing myself through the closing door, I moved out of the sally port into the A-Unit rotunda and went around to the front of the control booth where I talked to Corp. Prindle about what had happened with the door.

Mr. Prindle stated that he had hit me with the door as he was not watching what he was doing. Ofc. Hayes was in the control booth also and witnessed this incident. Also, Ofc. Waller Jr. was also told by Prindle that he had smashed me "like a bug" with the door. He said that he was helping Ofc. Hayes check in CPF inmates and that was why he was not watching the door. At this point Prindle asked me if I needed a nurse. I told him not at this time as I thought I was just banged up a little.

Fifteen minutes later I was sitting at the table in the day room and I noticed my spinal cord stem implant was not working. I told Ofc. Waller Jr. that my unit was not working and he called Prindle in the control to summon a nurse. Nurse Settje came down and we talked about what had happened, the implant device now not working, that I was having some back pain, and that I was now using my cane to take the pressure off. She left to call Dr. Coyle and said she would get back with me.

I sat back down with inmates Jackson and Baldwin. About 1640 I went to get up from the table and a sharp pain shoot up my back to my neck and down my arms and legs. I began to feel a sensation of numbness in my legs and pain in the area of the implant. Ofc. Waller called for Medic - 1. I reached around for my implant and it had moved from the lower right side and is now sitting on top of my spine. I was taken down to the infirmary by Prindle where Nurse Settje examined me and checked the implant. She agreed that the unit had moved and she needed to go call Dr. Coyle at his home. She returned and said Dr. Coyle did not want me going to the ER and having the ER doctors messing with the implant. Nurse Settje said that PA Kinder would see me first thing Monday morning. (The next day) I was given a pain pill about 5:30 pm and was returned to the pod.

The next morning I was given another pain pill at 1:30 am. At 9:30 am I called the control and told Ofc. Stillwell that I need something for the pain and needed to see the doctor. He said he would notify medical. At 11:30 am I asked Ofc. Stillwell again and he said he would call medical again. Again at 12:30 pm I requested help and again was told that medical would be called. At 12:40 I saw nurse Settje at pill call and asked her what was going on, told her that I needed some pain reliever, and asked her when I would see the doctor because I had been calling since 9:30 am and control said they had called several times. She said that medical did not know anything about me trying to get down there to see them.

Then about 1:30 pm they called me to go to the infirmary and the unit Sargent started to take me. We were stopped by Ofc. Stillwell who said they were not ready. After shift change at 2:00 pm I asked Ofc. Waller when I

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Ex 2

William Hodges, No. 23606

WSP A-1-137

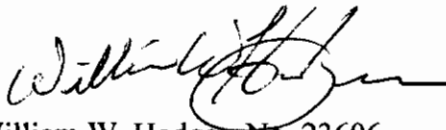
August 7, 2006

## INFORMAL GRIEVANCE CONTINUED ATTACHED PAGE 2.

was going to the infirmary as they were waiting on me. He said that he knew about it and he would check with Sgt. Peach. At about 2:30 pm Sgt. Peach came into the unit and I asked him what was going on. He said that he had been trying to get contact medical for the last 30 minutes. A few minutes later nurse Settje entered the pod and asked me if I had been taken to the infirmary yet. I told her no and she said that they had been waiting on me. I told her that Sgt. Peach couldn't get hold of medical to confirm. She told Sgt. Peach to call ext.666 that PA Kinder was waiting for me right then. Peach informed her that it was almost count time and he did not have the time nor the manpower to transport me to the infirmary.

At 3:30 pm I saw nurse Settje at insulin call. She apologized and said that she had it set up but Security had denied me medical treatment and I would have to wait until tomorrow to be seen and treated. She said at 5:30 pm she would give me another pain pill and that would have to hold me over until tomorrow at the earliest.

I was injured by no fault of my own and a critical surgically-installed device has been damaged. This presents serious implications for my health and it seems highly improper for Security to overrule the medical staff as to the urgency of my medical need. Because of the indifference of Security staff I am suffering unnecessary pain and could suffer neurological damage to my spine. This conduct needs to be addressed.



William W. Hodges, No. 23606

## Note For Complaints

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Ex<sup>3</sup>

William Willard Hodges

Co. DOC # 132576 (Wy. DO # 23606)

Notes: After informal grievance was filed on 8/7/06

August 8th, 2006

I was told by nurse Bettye that I would be going to the Medical infirmary on 08/08/06 since I was denied treatment on 08/07/06 by Security (Sgt Peach).

On 08/08/06 at 8:55 am, Opc. Harrison told me to get ready to go to medical. At 9:15 am Opc. Powell in A controll call me for Medical, at 9:18 am Opc. Frayer said I was not on his infirmary call out sheet. Opc Powell called medical at 9:45 am I was taken to medical.

I was seen by P.A. Kinder. At this time he ~~is~~ informed me that my implant had been twisted and moved, and that he need X-Rays, and to use cane to take off pressure

At 3:30 pm I was packed out for my detainee in Co. DOC.

No X-Rays or Treatment was done.

At 5:30 pm I informed Opc. Waller Jr. that I was in pain and need my Pain medications



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He informed Sgt. Peach.

at about 6:30pm I checked with Ape. Waller Jr. about getting my pain medication. He informed, that I needed to see Sgt. Peach. at 6:40pm Sgt. Peach entered Unit A Pod 1.

I went up to Peach, and asked him about going to down to Medical and get my Pain medication as per DOC policy on controlled drugs. Sgt Peach raised his voice and began to yell at me, stating that the nurse was on her way with the medication for pain (a controlled drug), not to ask or bring it up again. I tried to explain that I was in a lot of pain. He (Peach) became angrier, and at this time, Peach said "Quote from Peach. was 'I told not to ask again, and now get the hell a way from him. I then went and sat down and stayed away from Peach, in fear of getting wrote up and/or locked down.

at 8:00pm. The nurse came in to A unit, Pod 1 delivery to do evening pill call. at this time I asked her for my pain med's. She informed me that, she told Sgt Peach at 5:30pm that do to DOC policy on Controlled Medication, that I had to be brought to the infirmary for controlled medication.

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ex 5

at about 9:30 pm. after final lock down and count, I was call by Sgt. Peach, to go to the infirmary with Afc. Waller Jr. for Pain meds. Again I was denied Medical treatment for the second time by Peach and lied to about meds. If a inmate lies to staff he gets a write up. Why Can a Sgt, a unit supervisor lie and deny medical?

ON 08/09/06 I was transferred by Boulder County to Co. D.O.C, DRDC in Denver Co. With out any pain medication or With out any kind of information to Medical about me being injured on 08/06/06

08/31/06: I was not able to finish the grievance process in Wyo. ON 08/31/06 I sent a legal letter with the grievance to Warden Murphy at W.S.P. in Rawlins Wyo., and a copy to Director Lampert at Wyo. D.O.C. in Cheyenne Wyo

ON 09/05/06 I received a letter from Director Lampert from Wyo Doc., to inform me that Warden was reviewing the grievance and I would recieve a response in 30 day.

ON 09/06/06 I was seen by Doctor Fisher at DRDC. clinic, about my implant and having

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problems with my legs. At this appointment Dr. Fisher informed me again that this injury and damage to my implant was caused by W.D.C. Staff at W.S.P., and Co.D.O.C. will not do anything about this problem, for they are not responsible for the injury that was caused at W.S.P. It was not understood by Co.D.O.C. Medical or their case managers why I was sent to Co.D.O.C. without proper medical treatment, and that this conduct should be checked in to. I was advised by the Doctor and case managers to write to the Clerk's office at the U.S. District Court in ~~Den~~ Denver Co., and request a 1983 Prisoners Complaint forms.

On 09/15/06 I received the U.S. 1983 Prisoners Complaint forms.

On 09/21/06, I received a memorandum from Joan Thayer Executive Assistant in the Warden's office, date 9/11/06, notifying me that the Warden had received my grievance number # 369.

On 10/23/06 I received a letter from Warden Murphy informing that the grievance opens grievance # 369. Resolved.

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on 10/10/06. With the help of the law library I started filling out the U.S. 1983 Prisoner Complaint forms against the State of Wyoming, Wy. D.O.C., W.S.P. and Governor Dave Freudenthal as per legal advice, for wrongful injury and negligence.

on 10/23/06 I received a letter from Warden Murphy. and his response to grievance #369 as resolved, I don't feel it is resolved, because I have not gotten full treatment and I'm still in pain and finding it hard to walk.

10/25/06 I have wrote Director Lampert for a appeal.

on 10/30/06 I got copies of this letter and notes and put it in the mail, to Director Lampert.

November 28-06: Director Lampert decide my appeal.

12/7/06 I seen Doc. of Colorado Doctor Aasen about medical treatment. he said Co. D.O.C. Refuse to do treatment said Wyo. Doc is responsible.



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12/22/06 Seen Co.D.O.C Doctor Venegas.  
He said D.O.C officials <sup>told</sup> him not to talk about  
or treat my spinal core stem implant. He  
was to Refuse ~~treatment~~ Treatment for my  
back, He said that Co D.O.C Has taken the  
stand that this is a Wyo, D.O.C Problem and  
said I should try legal Ave.

2/23/07 No Treatment For Back Injury

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10/25/06

William Willard Hodges  
Co. D.O.C #13276 (Wy. D.O.C. #23606)  
C.T.C.F. / CH-7-1R8  
P.O. Box 1010  
Canon City, Co. 81215-1010

Director, R.O. Lampert  
Wyoming Department of Corrections  
700 West 21st Street  
Cheyenne, Wyoming. 82002

RE: Grievance # 369

Dear; Mr. Lampert.

I would like to thank you, for responing to my grievance and forwarding a copy to Warden Murphy, I had also sent a copy to Mr. Murphy of my grievance on the same day that I sent a copy to your office.

At this time I would like to ask for a appeal on Warden Murphy's decission on my grievance # 369 I donot feel that this matter is resolved.

- 1) Sgt Peach had a rover that after noon.
- 2) At this time and date, I still have not gotten treatment for my injury.

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ET

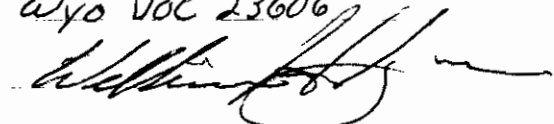
Page 2

Co.D.O.C. health care department, has informed me  
That this injury and treatment is the responsibility  
of Wyoming D.O.C and is responsible for there staff  
and officers actions.

At this time I trust you still have a copy of  
my Grievance.

I have also attached notes to this ~~letter~~ letter  
notes that I have kept after my injury.

Mr. Lampert, I await for your decision  
on this matter, due that I still ~~do~~ need treatment

Thank you for your  
time in this Matter  
William W Hodges  
Wyo DOC 23606  


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## STATE OF WYOMING

### MEMORANDUM

**TO:** William Hodges #132576 (WDOC #23606)

**DATE:** October 12, 2006

**FROM:** Michael Murphy  
Warden

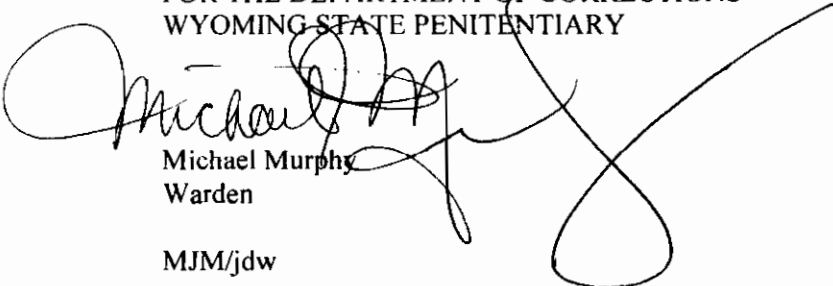
**SUBJECT:** Grievance #369

On September 7, 2006, the Warden's office received your grievance, unresolved at the informal level of review, regarding your allegation that you were injured because of the error of a staff member on August 6, 2006 and that the decisions of correctional staff members the following day significantly delayed your care as you were unable to be escorted to the infirmary.

In review of your allegations, although it is very unfortunate that this accident occurred, I am pleased to see that the staff member immediately accepted responsibility and attempted to get you initially assessed by medical staff. I simply cannot answer to your claim that attempts to contact medical were either not truly made or unsuccessful throughout the following day until late afternoon. However, the sergeant who did not have an available staff member to escort you to the infirmary prior to count is a situation of staff shortage that has caused great inconvenience over several months, and one that the WDOC is striving to correct. This does not, I understand, help your particular situation. You fail to mention in your formal grievance how much longer your treatment was delayed, and as you have been paroled to your detainer in Colorado it will be very difficult to do anything to resolve this situation but to apologize sincerely for this occurrence.

This Grievance Officer finds Grievance #369 resolved. You may appeal my decision by writing the Director of the Wyoming Department of Corrections.

FOR THE DEPARTMENT OF CORRECTIONS  
WYOMING STATE PENITENTIARY

  
Michael Murphy  
Warden

MJM/jdw

cc: Central Office

ORIGINAL

THE STATE



OF WYOMING

## DEPARTMENT OF CORRECTIONS

700 WEST 21<sup>ST</sup> STREET  
CHEYENNE, WYOMING 82002  
TELEPHONE: (307) 777-7208  
FAX: 307-777-7479

DAVE FREUDENTHAL  
GOVERNOR

ROBERT O. LAMPERT  
DIRECTOR

November 28, 2006

William W. Hodges, CODOC #132576  
WYDOC #23606  
C.T.C.F. / CH-7-1R8  
Canon City, Colorado 81215-1010

Re: Grievance Appeal #369

Dear Mr. Hodges:

This letter is written pursuant to Grievance Appeal #369, received 11/1/06, in which you report dissatisfaction with the findings of Warden Murphy of the WSP.

I have reviewed the information, and it would appear that your grievance relates to security staffing and not the medical department itself. Of note is that the Colorado DOC has requested your medical records (request dated 8/16/06), from providers in Wyoming. This should facilitate any medical services you may require in the future, and does not support your allegation that Colorado will not treat your medical needs.

I cannot address statements or conversations you report with various staff members (either security or medical), as I was not present when they occurred. Having reviewed the Warden's resolution, I concur with his findings and, as you are indeed getting medical care, I consider your Grievance Appeal resolved.

Sincerely,

A handwritten signature in cursive script that reads "R O Lampert".

R. O. Lampert,  
Director

xc: Warden - WSP  
Warden - CTCF

Exhibit 12

William W. Hodges  
Co. D.O.C # 132576 (Wyo.23606)  
CTCF C/H 7 1R8  
P.O. box 1010  
Caon City Co. 81215-1010

Notes for § 1983 Complaint on Wyo. D.O.C.

On 02/24/07

The implant in my lower back has shifted, and is on causing a lot of persure in the area of my spine, and is causing a lot pain, it is resting on area that is caused pain, weekness, and numness in my lower back and legs, and has unable me to walk at this time and I was put in a wheel chair by CTCF. Medical.

On 03/02/2007

I seen CTCF. Doctor Venagras, the doctor made 4 or 5 phone calls and he informed me that Co. D.O.C said that he could not treat this injury and problem that I am having, all he cold do was order me a wheel chair, that he could do, be cause his hands were not just tied in this matter they were hand cuffed, And that I should look at legal avenues in this matter.

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CERTIFICATE OF MAILING

I certify that have on this, 28 day of March  
2007, placed a true and correct copy of the foregoing  
motion for a 45 USC § 1983, in the U.S. mail,  
postage pre-paid, to the following address.

Wyo D.O.C. DIR. Lampert.  
NAME

30 West 21 st Street  
ADDRESS

Cheyenne, Wyo  
CITY/STATE

82002  
ZIP

FILED  
U.S. DISTRICT COURT  
DISTRICT OF WYOMING

MAR 29 2007

Stephan Harris, Clerk  
Cheyenne



SIGNATURE

William Willard Hodges

(print name) Wyo.# 23606  
Co.D.O.C. #132576

DOC #